



Entered on Docket
May 15, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE
COMPANY, Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re: USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re: USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC, Debtor.

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re: USA CAPITAL FIRST TRUST DEED FUND,
LLC, Debtor.

**ORDER SUSTAINING IN PART THE
OMNIBUS OBJECTION OF USA
CAPITAL REALTY ADVISORS, LLC
TO CERTAIN CLAIMS**

In re: USA SECURITIES, LLC, Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Date of Hearing: April 26, 2007
Time of Hearing: 9:30 a.m.

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The Omnibus Objection of USA Capital Realty Advisors, LLC ("USA Realty") to Certain Claims (the "Objection") (Docket No. 3017) came before this Court on proper notice at the hearing held April 26, 2007, at 9:30 a.m. Steven C. Strong of Ray Quinney & Nebeker P.C. appeared on behalf of USA Realty, William L. McGimsey appeared on behalf of the Margaret B. McGimsey Trust, Bruce McGimsey, Jerry McGimsey, Sharon McGimsey and Johnny Clark (collectively, the "McGimsey Claimants"), and other appearances were noted on the record.

A response to the Objection was filed by the McGimsey Claimants (Docket No. 3487). No other responses were filed. Based on a prior stipulated order (Docket No. 3520) (the "Kantor Continuance Order"), the claims of Dr. Gary Kantor, Kantor Nephrology Consultants Ltd., and Lynn M. Kantor against USA Realty (the "Kantor Claims") addressed in the Objection were continued for a status hearing on June 15, 2007 at 9:30 a.m.

THE COURT, having considered the Objection and the response thereto, and having determined that good and sufficient cause exists for sustaining the Objection to the extent set forth below, HEREBY ORDERS THAT:

1. The following claim listed on Exhibit A to the Objection is disallowed in its entirety:

<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
Halseth, Daniel R. & Sandra K Tees Of The Halseth Family Tr 23 Molas Dr Durango, CO 81301	10726-00065	1/9/2007	Unknown

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2. The following claims listed on Exhibit B to the Objection are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00011	6/2/2006	50,933.34
2	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00014	6/2/2006	50,933.34
3	Karen Petersen Tyndall Trust Dated 3/9/94 C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10726-00047	11/10/2006	1,115,915.59
4	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00003	5/22/2006	51,033.34
5	Quinn, Edward & Darlene 660 NW Brookhaven Dr Lee's Summit, MO 64081	10726-00026	7/12/2006	156,388.48

3. As to the remaining claims listed on Exhibit A or Exhibit B of the Objection, namely the Kantor Claims and the claims of the McGimsey Claimants against USA Realty, the hearing on the Kantor Claims is continued for a status hearing on June 15, 2007 at 9:30 a.m., as provided in the Kantor Continuance Order, and the hearing on the claims of the McGimsey Claimants against USA Realty is also continued for a status hearing on June 15, 2007 at 9:30 a.m.;

4. The claims that are disallowed pursuant to this Order are disallowed in their entirety and for all purposes as claims against USA Realty and are not allowed as claims against any of the other Debtors in these jointly-administered bankruptcy cases.

Submitted by:
SCHWARTZER & MCPHERSON LAW FIRM
and RAY QUINNEY & NEBEKER P.C.

By: /s/ Lenard E. Schwartz
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APPROVED BY:

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Approved by:
OFFICE OF THE U.S. TRUSTEE

By: 
AUGUST B. LANDIS, ESQ.
SCOTT A. FARROW, ESQ.

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